

REMARKS

Claims 1-33 are currently pending in the subject application and are presently under consideration. Claims 1, 6, 10, 13, 24, 28, 30, 31, and 33 have been amended as shown on pages 2-6 of the Reply. Claims 25 and 26 have been cancelled.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-43 Under 35 U.S.C. §101

Claim 1-43 stands rejected under 35 U.S.C. §101 because the Examiner contends the claimed invention is directed to non-statutory subject matter. Independent claims 1, 13, 24, 28, and 32 have been amended to address the Examiner's concerns in this regard. It is therefore respectfully requested that this rejection be withdrawn.

II. Rejection of Claims 1-5, and 7-33 Under 35 U.S.C. §102(e)

Claims 1-5, and 7-33 stand rejected under 35 U.S.C. §102(e) as being anticipated by Chapman, *et al.* (US 2004/0021679 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Chapman, *et al.* does not teach or suggest each and every feature set forth in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The subject claims relate to remote visualization of an industrial device using scalable vector graphics (SVG) to render an interactive representation of the device. An XML-based SVG file associated with an industrial device can be created, and then saved in a data store associated with the device. The SVG file can be accessed by a remote user *via* a client interface, and can then be executed locally on the client to facilitate rendering a vector image representation of the industrial device *via* ASCII drawing commands invoked by the file. The file can be executed by and the image rendered on a Web browser, or an open software package

such as Adobe or Macromedia. In particular, independent claim 1 recites, *an interface component that retrieves a stream of SVG information that includes data representative of the device's physical faceplate, the stream of SVG information is retrieved from storage associated with the device; and a display component that executes the stream of SVG information to render an interactive graphical representation of the device's faceplate within a remote viewing window.*

Contrary to the Examiner's continued assertions, Chapman, *et al.* does not disclose that SVG information used to render a graphical representation of a device can be stored with and retrieved from the device being represented. Chapman, *et al.* relates to an HMI architecture that facilitates creation of HTML display pages used to remotely visualize an industrial process *via* a Web-based interface. However, the cited reference teaches that these display pages are stored on a server system designed to manage display pages for a plurality of devices and data sources. Hence, the graphical information used to render device information is not stored on and retrieved from storage associated with the device being rendered, but rather is contained within HTML pages stored on and retrieved from a common server system. With regard to storage of faceplate visualization data locally with the storage device being rendered, the Examiner indicates in particular a passage in Chapman, *et al.* describing a local storage used to store variables and data references accessible by objects in a display. However, this local storage is not used to persist SVG information that can be retrieved and executed to render a graphical representation of a device. Rather, the cited local storage is only used as a *temporary repository* for variables and data references employed by an *actively displayed* HTML page. Indeed, the paragraph cited by the Examiner explicitly states that data stored in this local storage only exists during the life of the display, underscoring the fact that this local storage is only used as a temporary data repository for an *already generated display page*. As such, it cannot be said that the cited local storage contains data that can be retrieved and executed in order to generate a graphical rendering of a device, since this local storage contains no data until a page has already been retrieved from the aforementioned server system and rendered at a client. By contrast, the subject claims disclose that SVG information used to render interactive graphical representations of a device can be stored with and retrieved from the device being represented by the SVG information. This architecture can obviate the need for relatively complicated server configurations such as that taught by the cited reference.

Similarly, independent claim 13 recites, *a data conveying component that is utilized to stream device-related data; an interface component that couples the data conveying component to a device residing on a network; and a network browser that retrieves a stream of data from the device and generates a graphical depiction of the device based on the information within the stream of data, the graphical depiction provides a user with access to the device.* As already discussed, Chapman, *et al.* does not disclose coupling information that can be retrieved and executed to render an interactive graphical depiction of a device *with the device itself.*

Likewise, amended independent claim 24 recites, *creating a file that represents at least one aspect of the device, the file based on a Scalable Vector Graphics (SVG) XML markup language; storing the file with the device; employing a remote interface to access the file; and employing ASCII drawing commands to execute instructions embedded within the SVG XML file to generate a graphical representation of the at least one aspect of the device within the remote interface.* The cited reference fails to teach or suggest storing instructions for rendering a graphical representation of a device with the device itself, as discussed *supra*. More specifically, Chapman, *et al.* fails to disclose that such instructions can comprise an SVG XML file that invokes ASCII drawing commands when retrieved by and executed at a remote interface.

Amended independent claim 28 recites, *establishing a connection with a network associated with a device; retrieving a stream of SVG information from a computer-readable storage medium associated with the device; and executing the stream of SVG information within the remote interface to draw a dynamically updated interactive graphic of the device.* As already noted, Chapman, *et al.* does not disclose retrieving SVG information from storage associated with a device from a remote interface, and using the retrieved information to render an interactive graphic of the device at the remote interface.

Independent claim 32 discloses similar features, reciting, *means for retrieving a file with device-related information, the file is retrieved from a computer-readable storage medium associated with the device; means for invoking the file within a Web-based browser; and means for graphically viewing the device related information.* Chapman, *et al.* is silent regarding these features, as noted above.

In view of at least the foregoing, it is respectfully submitted that Chapman, *et al.* does not teach or suggest all aspects of independent claims 1, 13, and 32, and amended independent claims 24 and 28 (and all claims depending there from), and as such fails to anticipate the present invention. It is therefore requested that this rejection be withdrawn.

III. Rejection of Claim 6 Under 35 U.S.C. §103(a)

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chapman, *et al.* (US 2004/0021679 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Chapman, *et al.*, alone or in combination with Lindstrom-Tamer, does not disclose all features of the subject claims.

A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning. See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007) citing *Graham v. John Deere Co. of Kansas City*, 383 U. S. 1, 36 (warning against a “temptation to read into the prior art the teachings of the invention in issue” and instructing courts to “guard against slipping into the use of hindsight” (*quoting Monroe Auto Equipment Co. v. Heckethorn Mfg. & Supply Co.*, 332 F. 2d 406, 412 (CA6 1964))).

Amended claim 6 depends from independent claim 1, and as discussed *supra* in connection with that independent claim, Chapman, *et al.* does not teach or suggest *retrieval of SVG information used to graphically render a device from storage associated with that device*. Lindstrom-Tamer fails to remedy these deficiencies. Lindstrom-Tamer relates to a method for determining whether a browser supports display of SVG content, and for delivering a requested web page with SVG content either included or omitted based on the determination. However, the cited reference does not discuss any techniques for rendering an interactive graphical display of a device, much less doing so by retrieving appropriate SVG information from storage associated with the device itself.

In view of at least the foregoing, it is respectfully submitted that Chapman, *et al.* and Lindstrom-Tamer, individually or in combination, do not teach or suggest each and every aspect of independent claim 1. It is therefore requested that this rejection be withdrawn with respect to amended claim 6, which depends from that independent claim.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP331USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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